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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,099	09/26/2003	Robert De France	DELRI/112/US	7081

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Thomas J. Menard  
Alix, Yale & Ristas, LLP  
Suite 1400  
750 Main Street  
Hartford, CT 06103-2721

EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/672,099

Applicant(s)

DE FRANCE, ROBERT

Examiner

Robert J. Sandy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 1-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/24/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claims 1-13, particularly 1, 5, 6, and 11, are objected to because of the following informalities:

In claim 1, line 17, there is no antecedent basis for "said bias". (Examiner's suggestion: the phrase "said bias" should be changed to - - said biased jaw - - to be consistent with the subject matter recited as "said jaw biased" bridging lines 14 and 15 of claim 1).

In claim 1, line 18, there is no antecedent basis for "said coupling". (Examiner's suggestion: change "coupling to - - coupler - -.)

In line 1 of each of claims 5, 6 and 11, there is no antecedent basis for "said gripping surface". (Examiner's suggestion: change "gripper" to - - gripping- -).

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 15, 18, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Glass et al. (U. S. Patent No. 904,863). Glass et al. ('893) discloses wedge dead end comprising: a gripper body (1) defining a linear cable trough (groove 7) and a jaw guide (jaw 5 having groove 8) longitudinally extending between forward and rearward ends of said gripper body, said jaw guide and cable trough converging toward said gripper body forward end; and one wedge-shaped jaw (9) having an upper guide structure (surface having groove 14) engaged with said jaw guide and a lower cable gripping surface (side wall 11 having groove 13) disposed generally parallel to said cable trough, said jaw moveable relative to said gripper body between a rearward open position wherein said cable gripping surface is spaced apart from said cable trough to at least partially define a longitudinally open ended cable entry slot (and a forward

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gripping position wherein said cable gripping surface approaches said cable trough so as to come into a wedging engagement against a conductor (e.g., wire 15) disposed therebetween;

(concerning claim 15) a leg (2) extending from said gripper body rearward end; and a coupling (3) connected to said leg and rearwardly spaced from said gripper body, wherein said leg is laterally offset from an axis of said cable trough;

(concerning claim 18) the cable trough has a substantially smooth surface;

(concerning claim 19) the jaw includes an upper surface (upper surface of jaw 5) opposed to said cable gripping surface and disposed at a first angle relative thereto and said jaw guide is disposed at a second angle relative to said cable trough, said first angle being equal to said second angle (Fig. 1); and (concerning claim 20) wherein the first and second angles are between 10° and 20° (by inspection of Fig. 1)

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glass et al. ('863) in view of Lowry et al. (U. S. Patent No. 824,556). Glass et al. ('863) discloses the claimed device except for wherein said gripping surface comprises teeth. Lowry et al. ('556) teach an analogous wedge dead end device having a gripping surface (see serrated teeth shown in Fig. 1) of a wedge shaped jaw (9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the gripping surface with teeth, as taught by Lowry et al. ('556), in order to provide an enhanced wire gripping surface that at least reduces slippage of wire secured thereto.

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*Allowable Subject Matter*

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1 through 13 would be allowable if rewritten or amended to overcome the claim objection set forth in this Office action.

Regarding claim 1, the following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest a wedge dead end having the claimed combination of elements particularly requiring a latch for releasably retaining the jaw in the open position against the biased jaw.


*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PRIMARY EXAMINER

Robert J. Sandy  
Primary Examiner  
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